

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ADRIANE GARDEA,

No. 2:24-cv-3383 AC P

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

ORDER AND FINDINGS AND
RECOMMENDATIONS

Defendants.

Plaintiff is a state inmate who originally filed this action in the Sacramento County Superior Court. ECF No. 1. The original complaint alleged claims for relief under the Eighth Amendment and state law. Id. at 5-30. On December 4, 2024, defendants the State of California and California Department of Corrections and Rehabilitation (“CDCR”) filed a notice of removal under 28 U.S.C. § 1441(a). Id. at 1-3. On December 27, 2024, the court ordered the parties to show cause why this case should not be transferred to the United States District Court for the Eastern District of California sitting in Fresno. ECF No. 6. That same day, plaintiff filed a first amended complaint (“FAC”) removing the Eighth Amendment claim, leaving only state law claims. ECF No. 7. On January 2, 2025, plaintiff filed a motion to remand. ECF No. 8. Defendants’ have filed a statement of non-opposition to remand. ECF No. 10.

Since plaintiff has voluntarily dismissed her federal law claims, it within this court’s discretion whether to exercise supplemental jurisdiction over plaintiff’s remaining state law

1 claims.¹ Carlsbad Tech. Inc. v. HIF Bio, Inc., 556 U.S. 635, 640 (2009) (statutory supplemental
 2 jurisdiction over state law claims remains even after dismissal of federal claims and is exercised
 3 at court's discretion); 28 U.S.C. § 1367(c)(3) (district court may decline to exercise supplemental
 4 jurisdiction where all claims over which it had original jurisdiction are dismissed). The court's
 5 decision whether to exercise supplemental jurisdiction should be informed by "values of
 6 economy, convenience, fairness, and comity." Acri v. Varian Assocs., Inc., 114 F.3d 999, 1001
 7 (9th Cir. 1997) (en banc) (citations and internal quotation marks omitted). Further, primary
 8 responsibility for developing and applying state law rests with the state courts. Therefore, when
 9 federal claims are eliminated before trial, district courts should usually decline to exercise
 10 supplemental jurisdiction. Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 & n.7 (1988)
 11 (citation omitted); Gini v. Las Vegas Metro. Police Dep't, 40 F.3d 1041, 1046 (9th Cir. 1994)
 12 ("[I]n the usual case in which federal-law claims are eliminated before trial, the balance of
 13 factors . . . will point toward declining to exercise jurisdiction over the remaining state law
 14 claims."') (emphasis and alteration in original) (quoting Schneider v. TRW, Inc., 938 F.2d 986,
 15 993 (9th Cir. 1991))).

16 Because plaintiff has voluntarily eliminated the federal claims in the operative complaint,
 17 defendants do not oppose remand, and this case is in its early stages, the undersigned
 18 recommends that the court decline to exercise supplemental jurisdiction over plaintiff's state law
 19 claims and remand the case back to state court. See Carnegie-Mellon Univ., 484 U.S. at 357
 20 ("[A] district court has discretion to remand to state court a removed case involving pendent
 21 claims upon a proper determination that retaining jurisdiction over the case would be
 22 inappropriate.").

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. The request for clarification (ECF No. 4) and order to show cause (ECF No. 5) are
 25 vacated as moot.

26 ¹ Plaintiff's state law claims were based upon the same incidents as his federal law claims. See
 27 28 U.S.C. § 1367(a) ("[T]he district courts shall have supplemental jurisdiction over all other
 28 claims that are so related to claims in the action within such original jurisdiction that they form
 part of the same case or controversy under Article III of the United States Constitution."').

1 2. The Clerk of the Court shall randomly assign a United States District Judge to this
2 action.

3 Further, IT IS RECOMMENDED that:

4 1. The court decline to extend supplemental jurisdiction over plaintiff's state law claims
5 and the motion to remand this action to state court (ECF No. 8) be GRANTED.

6 2. The Clerk of the Court be directed to mail a certified copy of the order of remand to
7 the clerk of the Sacramento County Superior Court.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, plaintiff may file written objections
11 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
12 and Recommendations." Plaintiff is advised that failure to file objections within the specified
13 time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
14 Cir. 1991).

15 DATED: January 13, 2025


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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